

1 Kathleen N. Millican, Bar No. 203691
2 **SKIKOS, CRAWFORD, SKIKOS, JOSEPH & MILLICAN**
3 625 Market Street, 11th Floor
4 San Francisco, California 94105
5 (415) 546-7300
6 (415) 546-7301 fax
7 kmillican@skikoscrawford.com

8 Attorneys for Defendant PLATINUM EQUITY LLC

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12

13 CARL PHILLIPS, individually, and on behalf of all)
14 others similarly situated,)
15 Plaintiff,)

16 vs.

17 SEARS, ROEBUCK AND COMPANY; DEERE &)
18 COMPANY; TECUMSEH PRODUCTS)
19 COMPANY; PLATINUM EQUITY, LLC;)
20 BRIGGS & STRATTON CORPORATION;)
21 KAWASAKI MOTORS CORP. USA; MTD)
22 PRODUCTS INC; THE TORO COMPANY;)
23 AMERICAN HONDA MOTOR COMPANY,)
24 INC.; ELECTROLUX HOME PRODUCTS, INC.;)
25 HUSQVARNA OUTDOOR PRODUCTS, INC.;)
26 and THE KOHLER COMPANY,)

27 Defendants.
28

CASE No.: 4:08-cv-02671-SBA

DECLARATION OF MARK S.
BALDWIN IN SUPPORT OF
DEFENDANT PLATINUM EQUITY
LLC'S MOTION TO ENLARGE TIME
PURSUANT TO CIV. L. R. 6-3

I, Mark S. Baldwin, declare as follows:

1. I am an attorney with Brown Rudnick LLP, counsel for Defendant Platinum Equity, LLC ("Platinum Equity"). I make this Declaration in support of Platinum Equity's Motion to Enlarge Time Pursuant to Civ. L.R. 6-3. I am an active member in good standing of the Connecticut Bar. I have personal knowledge of the facts stated herein, unless stated on

1 information and belief, and if called upon to testify to those facts I could and would competently
2 do so.

3 2. Platinum Equity was served with the complaint in the above-captioned action (the
4 "Class Action Complaint") on or about June 13, 2008. As a result, its response to the Class Action
5 Complaint is due on July 3, 2008.

7 3. (A) 30 day enlargement of time is necessary because:
8 the undersigned counsel was retained yesterday and is entering an appearance
9 simultaneously herewith.

10 (B) The Class Action Complaint asserts claims for the purported violation of the
11 California Consumers Legal Remedies Act (Cal. Civ. Code § 1750 *et seq.*), California Business &
12 Professions Code § 17500 and California Business and Professions Code § 17200 *et seq.*, and for
13 unjust enrichment and civil conspiracy.

15 (C) In light of the foregoing, counsel needs additional time to investigate and
16 understand the claims asserted and to prepare an adequate response.

17 4. Platinum Equity will be harmed substantially if the requested enlargement of time
18 is not granted because its counsel need to acquaint themselves with this matter before preparing a
19 response to the Class Action Complaint, including determining whether Platinum Equity has
20 grounds to file a Rule 12(b)(6) motion to dismiss.

22 5. On information and belief, Barbara Velasco, Esq., Assistant General Counsel for
23 Platinum Equity, made a number of phone calls in an attempt to reach counsel for plaintiffs in
24 order to obtain a stipulation pursuant to Civ. L. R. 6-1(a). Specifically, on July 1, 2008, she left
25 two messages for Joseph Saveri, Esq. of Lieff, Cabraser, Heimann & Bernstein, LLP, and another
26 message on July 2, 2008.
27
28

6. This is Platinum Equity's first request for an enlargement of time.

7. Platinum Equity states that the requested enlargement will not affect any known scheduling order in this matter.

I declare under the penalty of perjury that the foregoing is true and correct. Executed this 3rd day of July, 2008, at Hartford, Connecticut.

/s/ Mark S. Baldwin

Mark S. Baldwin